



Doc Code: AP.PRE.REQ

PTO/SB/33 (07/05)

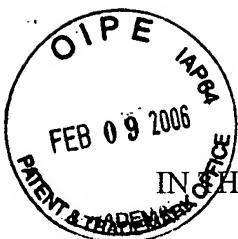
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ITL.0700US (P13936)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR</p> <p>on <u>February 7, 2006</u></p> <p>Signature </p> <p>Typed or printed name <u>Nancy Meshkoff</u></p>		<p>Application Number 10/082,893</p> <p>First Named Inventor Lei Cheng</p> <p>Art Unit 2112</p>	<p>Filed February 26, 2002</p> <p>Examiner Tim T. Vo</p>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s).</p> <p>Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>28,994</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>		<p> Signature</p> <p>Timothy N. Trop Typed or printed name</p> <p>(713) 468-8880 Telephone number</p> <p>February 7, 2006 Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Lei Cheng	§	Art Unit:	2112	
Serial No.:	10/082,893	§	Examiner:	Tim T. Vo
Filed:	February 26, 2002	§	Docket:	ITL.0700US P13936
For:	Directly Transferring Transmit Data in an Embedded Adapter	§	Assignee:	Intel Corporation

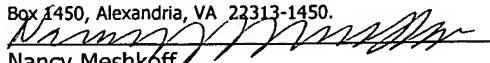
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STATEMENT IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Claim 1, for example, calls for transferring data from a host memory to an Ethernet device. The data is processed without sending the data from the host memory to an embedded memory associated with an adapter that includes the Ethernet device. Thus, to simplify, an adapter includes an Ethernet device and the adapter also includes an embedded memory. Data may be transferred from the host memory to the Ethernet device without sending the data to the embedded memory associated with the adapter.

Conventionally, data is copied to the embedded memory from the host, the Ethernet packet is formed, and the packet is put in the transmit buffer in the embedded memory. This operation involves making one copy of data from the host to the embedded memory. This copy decreases the performance of the adapter. See the specification at page 1, line 20 through page 2, line 2.

Date of Deposit: February 7, 2006
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first class mail with sufficient postage on the date indicated
above and is addressed to the Commissioner for Patents, P.O.
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Nancy Meshkoff

It is respectfully submitted that not a single limitation of any independent claim is taught by the cited reference. Under the following headings, the various limitations are discussed and the failure of the reference to teach a single one of the claimed elements is pointed out. Therefore, reconsideration would be appropriate.

1. Transferring Data from a Host Memory

There is no discussion of any transferring data from a host memory in the reference. Instead, what is happening and what is relied on in the office action is a configuration cycle wherein peripheral devices are identified. However, no data is transferred to them. The assertion that the drivers are loaded into the peripheral devices is an incorrect understanding of how computers operate. Drivers are never loaded into peripheral devices. Nothing in the reference ever suggests anything of the sort.

The argument that sending configuration commands to the I/O processor or anything else is some kind of providing of data is simply baseless. Nothing in any of the material supports this.

2. Ethernet Device

There is absolutely no mention in the reference of any Ethernet device. Therefore, there cannot be transferring of anything to an Ethernet device. The Examiner suggests that an Ethernet device is never claimed, but, in fact, it is clearly the object of the acts set forth in the first element of claim 1.

Therefore, there is not a *prima facie* rejection since there is no Ethernet device in the cited reference.

3. Processing Data without Sending the Data from the Host Memory to an Embedded Memory Associated with an Adapter that Includes the Ethernet Device

There is no teaching in the reference of how, if there were an Ethernet device and how if data was transferred to the Ethernet device, that data could be transferred without transferring it to an internal memory of the Ethernet device. Since there is discussion of an

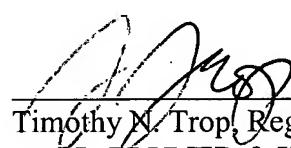
Ethernet device and no discussion of how it operates, it is impossible for the cited reference to anticipate.

While the Examiner argues that there is no requirement of an embedded memory of an Ethernet device, there is a requirement that data be transferred without implicating that embedded memory. This requires that there be some transfer to a device that is an Ethernet device and that there be some way to accomplish that transfer without using an embedded memory. Since there is no Ethernet device, and there is no inclination to transfer data to an Ethernet device, the reference is completely and totally irrelevant. The suggestion that any PCI device is equivalent to an Ethernet device or to accessing and providing data to that Ethernet device without using the embedded memory is baseless.

Therefore, reconsideration is respectfully requested.

Respectfully submitted,

Date: February 7, 2006



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